

Article - Health - General

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§7–910.

(a) The Department shall deny a license to any applicant or suspend or revoke a license if the applicant or licensee fails to comply with the applicable laws, rules, or regulations of this State.

(b) (1) The Department may impose sanctions, including a civil money penalty, for failure by a licensee to substantially comply with applicable State laws, regulations, or rules.

(2) The Department shall adopt rules and regulations providing for the sanctions to be imposed under this subsection.

(3) A civil money penalty imposed under this subsection may not exceed \$5,000.

(4) In establishing the amount of a civil money penalty imposed under this subsection, the Department shall consider, under guidelines established in the regulations adopted under paragraph (2) of this subsection:

(i) The number, nature, and seriousness of the violations;

(ii) The degree of risk caused by the violations to the health, life, or safety of the individual served by the licensee;

(iii) The efforts made by the licensee to correct the violations;

(iv) Any history of similar violations;

(v) Whether the amount of the proposed civil money penalty will jeopardize the financial ability of the licensee to continue serving individuals; and

(vi) Any other reasonable factors as determined by the Department.

(5) If a civil money penalty is proposed, the Department shall offer the licensee an opportunity for informal dispute resolution.

(6) If, following the opportunity for informal dispute resolution, a civil money penalty is imposed, the Department shall provide:

(i) Written notice of:

1. The basis on which the order is made;
2. The deficiency on which the order is based;
3. The amount of the civil money penalty to be imposed; and
4. The manner in which the amount of the civil money penalty was calculated; and

(ii) An opportunity for a hearing as provided under subsection (e) of this section.

(7) The Department shall have the burden of proof with respect to the imposition of a civil money penalty under this subsection.

(c) Any applicant or licensee who knowingly and willfully makes a false statement in connection with an application under this subtitle shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$1,000, or imprisonment not exceeding 1 year, or both.

(d) The Department may impose a penalty not exceeding \$500 per day per violation for each day a violation occurs on a licensee that fails to comply with the reporting requirements established under § 7–306.1(l) of this title.

(e) Except as otherwise provided in § 10–226 of the State Government Article and subsection (f) of this section, before the Department takes any action against an applicant or a licensee under this section, the Department shall give the applicant or licensee notice and an opportunity for a hearing.

(f) (1) If the Department finds that the public health, safety, or welfare of individuals with disabilities receiving services from a licensee imperatively requires emergency action, the Department may suspend the license or order a licensee to remedy immediately the situation requiring the emergency action.

(2) The order to remedy immediately the situation shall be effective immediately and shall remain in effect until:

(i) The Department rescinds the order; or

(ii) There is a resolution through the administrative hearing process.

(3) If the Department issues an order under paragraph (1) of this subsection, the Department promptly shall give the licensee:

(i) Written notice of the order, the finding, and the reasons that support the finding; and

(ii) An opportunity to be heard.

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